

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARCEL MENDEZ, on behalf of himself and
others similarly situated,

Plaintiff,

v.

PIZZA ON STONE, LLC (d/b/a ADRIENNE'S
PIZZA BAR), FRANK CASANO, PETER
POULAKAKOS and NICK ANGELIS,

Defendants.

Case No.: 11 CV 6316

Cote, J.
Maas, M.J.

**NOTICE OF PLAINTIFF'S
UNOPPOSED MOTION FOR
CERTIFICATION OF THE
SETTLEMENT CLASS, FINAL
APPROVAL OF THE CLASS
ACTION SETTLEMENT, AND
APPROVAL OF THE FLSA
SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiff's Unopposed Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of the FLSA Settlement ("Plaintiff's Motion for Final Approval"), and in the Declaration of C. K. Lee in Support of Plaintiff's Unopposed Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of the FLSA Settlement ("Lee Dec.") and the exhibits attached thereto, Plaintiff respectfully requests that the Court enter an Order:

- (1) certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement: all non-exempt employees employed by Pizza on Stone LLC (d/b/a Adrienne's Pizza Bar, Frank

Casano, Peter Poulakakos and Nick Angelis from September 9, 2005 to December 31, 2012;

- (2) granting final approval of the Settlement Agreement and Release;
- (3) granting approval of the FLSA Settlement; and
- (4) granting any other relief that the Court deems just and proper.

For the Court's convenience, Plaintiff has contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**.

Dated: June 17, 2013

Respectfully submitted,

LEE LITIGATION GROUP, PLLC

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***Attorneys for Plaintiff, FLSA Collective
Plaintiffs and the Class***